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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,217	12/03/2004	Jeong Wook	24025 Us	2588
20551	7590	05/11/2006	EXAMINER	
THORPE NORTH & WESTERN, LLP. 8180 SOUTH 700 EAST, SUITE 200 SANDY, UT 84070			NGO, LIEN M	
			ART UNIT	PAPER NUMBER
			3754	

DATE MAILED: 05/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/517,217	WOOK, JEONG	
	<b>Examiner</b>	<b>Art Unit</b>	
	LIEN TM NGO	3754	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 February 2006.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 4-6 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Should applicant desire to obtain the benefit of foreign priority under 35 U.S.C. 119(a)-(d) prior to declaration of an interference, a translation of the foreign application should be submitted under 37 CFR 1.55 in reply to this action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 4-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Matsuo (JP 2003054549). Matsuo discloses, in figs. 1-3, an easy-opening can end comprising an end panel 2, a score line 3 in said end panel defining an openable panel portion; a pull tab 3 defined by a nose, a handle 3a and a medial portion between said nose and handle, means 7 for securing said medial portion to said end panel with said nose adjacent said score line, said end panel including a convexly upwardly projecting protrusion 4/2 underlying and contiguous said handle (also see fig. 7), and means defined by the material of said protrusion for elastically deforming said convexly upwardly projecting protrusion to an upwardly concavely opening and downwardly projecting protrusion 4 upon the application of a downwardly directed manually applied

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force to said convexly upwardly projecting protrusion to form a gap between said handle and said elastically deformed upwardly concavely opening protrusion incident to severing said score line by imparting a lifting force to said handle.

4. Claims 4-6 are rejected under 35 U.S.C. 102(a) as being anticipated by Itou et al. (JP 2003112735). Itou et al. disclose, in figs. 8-10, an easy-opening can end comprising an end panel 34, a score line 36b in said end panel defining an openable panel portion; a pull tab 38 defined by a nose 38b, a handle 38a and a medial portion between said nose and handle, means 39 for securing said medial portion to said end panel with said nose adjacent said score line, said end panel including a convexly upwardly projecting protrusion 434 underlying and contiguous said handle, and means defined by the material of said protrusion for elastically deforming said convexly upwardly projecting protrusion to an upwardly concavely opening and downwardly projecting protrusion (see fig. 10) upon the application of a downwardly directed manually applied force to said convexly upwardly projecting protrusion to form a gap between said handle and said elastically deformed upwardly concavely opening protrusion incident to severing said score line by imparting a lifting force to said handle.

5. Claims 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Reid(4,266,688). Reid discloses, in figs. 1-3, an easy-opening can end comprising an end panel 11, a score line 15 in said end panel defining an openable panel portion; a pull tab 17 defined by a nose 20, a handle 21 and a medial portion between said nose and handle, means 18 for securing said medial portion to said end panel with said nose adjacent said score line, said end panel including a convexly upwardly projecting

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protrusion 11 underlying and contiguous said handle, and means defined by the material of said protrusion for elastically deforming said convexly upwardly projecting protrusion to an upwardly concavely opening and downwardly projecting protrusion (see fig. 3) upon the application of a downwardly directed manually applied force to said convexly upwardly projecting protrusion to form a gap between said handle and said elastically deformed upwardly concavely opening protrusion incident to severing said score line by imparting a lifting force to said handle.

***Response to Arguments***

6. Applicant's arguments with respect to claims 4-6 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 571-272-4545. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL MAR can be reached on 571-272-4906. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LIEN TM NGO  
Primary Examiner  
Art Unit 3754

May 3, 2006

